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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Arkady Glukhovsky

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Pearl Cohen Zedek Latzer, LLP

1500 Broadway

12th Floor

New York, NY 10036

EXAMINER

LARYEA, LAWRENCE N

ART UNIT

PAPER NUMBER

3768

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,865	Applicant(s) GLUKHOVSKY ET AL.	
	Examiner LAWRENCE N. LARYEA	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41, 47-53, 55, 56 and 58-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41, 47-53, 55, 56, 58 and 59-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges Applicant's amendment and remarks filed November 21, 2007.

Claims 41,47-53,55,56,58 and 59-67 are now pending. The Examiner acknowledges the amendments to Claims 41 and 53 as well as the cancellation of Claims 42-46,54 and 57, and the addition of claims 59-67.

Claim Objections

1. Claim 67 is objected to because of the following informalities:
2. At Claim 67, line 2, one "of" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 62-66 and 67 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant regards as their invention.
5. Claim 62, at line 2 recites the limitation "the receivers"
There is insufficient antecedent basis for this limitation in the claim.
6. Regarding Claim 62 at line 2, Claim 63 at lines 4 & 5, and Claim 66, at line 4 the phrase "type" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See Ex part Copenhaver, 109 USPQ 118 (BD. App. 1955) and MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 41,47-53, 56,58 and 59-67 are rejected under 35 U.S.C. 102(b) as being anticipated by over **Iddan et al (Patent 5604531)**.

9. Re Claims 41,50,51 and 53:**Iddan et al** teach an in vivo system for receiving in vivo signals, the system comprising: a receiver; a plurality of antennas (**See Col. 4, lines 32-40**) connected to the receiver (**46**), wherein the plurality of antennas are to receive an in vivo signal; and a recorder (**19**), the receiver and the recorder are separately modifiable to perform different functions such that receiver is separately modified to decode the data (signal) provided by the corresponding antennas and the recorder is separately modified to store signals from the antennas (**See Col. 4, lines 44-61**), and a cable which transfers energy to the receiver, radio frequency signals to the recorder, and control signals (**See Figures 1- 6**).

10. Re Claims 60-62: It is inherent to replace the receiver or the recorder separately when one is damaged or faulty. It is inherent for the recorder is to recognize (detect) the presence or absence of the receiver during transferring of information (**See Figures 1- 6**).

11. Re Claims 52, 55, 58, 63-66 and 67: **Iddan et al** teach an in vivo system wherein the receiver comprises a selection unit **(14)** and an amplifier **(32)** and the selection unit is to select a signal received by one of the plurality of antennas **(See Col. 5, lines 19-25)** and automatically adjusting operation of a receiver according to the identified type of antenna **(See Col. 4, lines 41-45 and Col. 4, lines 57-61)**.
12. Re Claims 47 and 48: **Iddan et al** teach an in vivo system wherein the switching unit **(48)** is to transfer to the recorder at least one signal received from at least one antenna out of the plurality of antennas **(See Col. 4, lines 41-54)**.
13. Re Claims 49 and 57: **Iddan et al** teach an in vivo system wherein the plurality of antennas comprises a radio frequency antenna **(See Col. 3, lines 58-67)**.
14. Re Claim 59: **Iddan et al** teach an in vivo system wherein the plurality of antennas can be arranged in a circular pattern to wrap around the patient **(See Col. 4, lines 26-30 and Fig 4)**.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Iddan et al** in view of **Kimchy et al (Pub. 2003/0139661)**.

17. Re Claims 55 and 56: **Iddan et al** teach the claimed invention, see rejection supra; however **Iddan et al** does not expressly disclose the system includes a pre-amplifier.

18. **Kimchy et al** teach an in vivo system wherein a preamplifier is incorporated in vivo system. (**See Paragraphs [0029]**, and also **[0084]** for plurality of antennae).

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the in vivo system similar to that of **Kimchy et al** to include pre-amplifier similar to that of **Kimchy et al** in order to amplify signal (low level signal possible at high impedance) to line level.

Response to Arguments

19. Applicant's arguments with respect to the rejection(s) of claim(s) 41, 47-53, 55, 56, 58 and 59-67 have been fully considered but they are not persuasive.

20. Please see new limitations added to supra rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE N. LARYEA whose telephone number is (571)272-9060. The examiner can normally be reached on 9:30 a.m.-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric F Winakur/
Primary Examiner, Art Unit 3768

LNL